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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/821,094

Applicant(s)

FISHMAN ET AL.

Examiner

MARK A. FLEISCHER

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This final action is in reply to the response to the first non-final rejection said response filed on 5 August 2008.
2. Claims 1, 4, 5, 11, 14, 15 and 21–24 have been amended.
3. Claims 1–24 are currently pending and have been examined.

Response to Amendment

4. The objections to the drawings in the previous office action are maintained, in view of the fact that no response from the Applicant with respect to these objections has been proffered.
5. The objections to claims 1, 11, 21 and 22 are withdrawn in light of Applicant's amendments.
6. The rejection of claims 4, 5, 14 and 15 under 35 U.S.C. §112, 2nd paragraph are withdrawn in light of Applicant's amendments.

Response to Arguments

7. Applicant's arguments filed 5 August 2008 have been fully considered, but they are not persuasive. Referring to the previous Office action, Examiner has cited relevant portions of the references as a means to illustrate the systems as taught by the prior art. As a means of providing further clarification as to what is taught by the references used in the first Office action, Examiner has expanded the teachings for comprehensibility while maintaining the same grounds of rejection of the claims, except as noted above in the section labeled "Status of Claims." This information is intended to assist in illuminating the teachings of the references while providing evidence that establishes further support for the rejections of the claims.
8. Applicant argues that a *prima facie* case of obviousness has not been established, by citing how the prior art, specifically Bergh, does not address the limitation of assigning a lead based on the first salesperson to access a link and further states that the notion of a "first-come-first-serve"

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acquisition of leads by a sales broker in Bergh is "directed to allocating 'channel capacity'" (Remarks, p.11). By stating that this is not specifically directed toward the acquisition of a sales lead by a user who first accesses a link in an email, Applicant ignores the basis of the rejection under Section 103 where different inventions and elements thereof are combined in obvious ways that, together, read on the limitations in the instant application. Examiner respectfully submits that obviousness is determined on the basis of the evidence as a whole and the relative persuasiveness of the arguments. See *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992); *In re Hedges*, 783 F.2d 1038, 1039, 228 USPQ 685,686 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 USPQ 785,788 (Fed. Cir. 1984); and *In re Rinehart*, 531 F.2d 1048, 1052, 189 USPQ 143,147 (CCPA 1976). Using this standard, the Examiner respectfully submits that the burden of presenting a *prima facie* case of obviousness has successfully been satisfied, since evidence of corresponding claim elements in the prior art has been presented, and since the Examiner has expressly articulated the combinations and the motivations for combinations that fairly suggest Applicant's claimed invention. Note, for example, the motivations explicitly stated in the paragraphs below as stated in the first office action.

"Johnson describes and/or discloses a computerized sales force automation system. Andrews describes and/or discloses a web based system and method for managing sales deals. Finally, Bergh describes and/or discloses a web-based offer delivery system and specifically describes and/or discloses its application within the context of a sales force and lead management system. **Note that sales lead distribution is analogous to the delivery of offers as a lead is, in effect, an offer to obtain a business opportunity and results in remuneration to the salesperson.** Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of Johnson, Andrews and Bergh to develop a method and system to manage the distribution of leads for a sales force." (First Office Action, paragraph 11—emphasis added here).

This clearly indicates that the teachings of Bergh which illustrate the concept of a link in an email that is accessed and corresponds to an acceptance of an offer and thus teaches the notion of accessing a link in an email to accept a lead which is an offer of a business opportunity. Thus, in conjunction with the teachings of the related prior art with respect to lead management and distribution, a *prima facie* case of obviousness is well-established.

With regard to the remaining claims wherein Examiner has cited Official Notices, Applicant has failed to rebut Examiner's Official Notices that

- use of evaluation systems and scorecards that use algorithms for both their computation and method of assignment of employees to tasks,
- accounting for diligence of the recipient,
- percentage of previous sales that included additional items,
- and combinations thereof,
- use of various encryption methods to maintain security, integrity and/or authenticity of information held within a system or database or other data storage system and further, to verify, for example, as in electronic mail, that a message has been received and otherwise acted upon,
- generating a secret code,
- manipulating each unique identification with the secret code,
- and adding a trigger,
- use of various data security methods to identify, verify and confidentially communicate between parties such as sales personnel and their respective managers,
- encoding or encrypting information using *alphanumeric characters*,
- encoding or encrypting information using codes or keys that are randomly generated,
- establishing data integrity, redundancy and security by multiplying an identification code with a secret number,

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- employing the use of various data security methods to identify, verify and confidentially communicate between parties such as sales personnel and their respective managers and where such encryption codes employ the use of alphanumeric characters and are randomly generated and where an identification code is multiplied by a number contained within a secret code as, for example, in error checking codes, validation codes, authentication codes, etc.,
- employing methods that indicate a user is receiving or accessing a link,
- providing methods to decrypt or reverse transformations of data to their original components,
- comparing communicated information and identification components of messages with specified data stored in a database,
- determining whether an entity, *e.g.*, a ticket or seat or voucher, has already been assigned to some entity,
- associating certain types of information with other types under circumstances where no previous association has occurred and thereby *assign* an object to an entity,
- employing the use of various data security methods to ascertain the status of information such as whether a sales lead has been assigned,

was old and well known in the art at the time of the invention. To adequately traverse such a finding, an applicant must specifically point out the supposed errors in the examiner's action, which would include stating **why the noticed fact is not considered to be common knowledge or well-known in the art**. See 37 CFR 1.111(b). See also *Chevenard*, 139 F.2d at 713, 60 USPQ at 241 ("[I]n the absence of any demand by appellant for the examiner to produce authority for his statement, we will not consider this contention."). A general allegation that the claims define a patentable invention without any reference to the examiner's assertion of official notice would be inadequate. If applicant adequately traverses the examiner's assertion of official notice, the examiner must provide documentary evidence in the next Office action if the rejection is to be

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maintained. See 37 CFR 1.104(c)(2). See also *Zurko*, 258 F.3d at 1386, 59 USPQ2d at 1697 ("[T]he Board [or examiner] must point to some concrete evidence in the record in support of these findings" to satisfy the substantial evidence test). If the examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding. See 37 CFR 1.104(d)(2). If applicant does not traverse the examiner's assertion of official notice or applicant's traverse is not adequate, the examiner should clearly indicate in the next Office action that the common knowledge or well-known in the art statement is taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of official notice or that the traverse was inadequate. If the traverse was inadequate, the examiner should include an explanation as to why it was inadequate. (MPEP § 2144.03(C))

Applicant has not "specifically point[ed] out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art." Notwithstanding the aforementioned arguments regarding the insufficiency of Applicant's attempted traversal, Examiner notes that those elements of the Official Notices pertaining to data security and integrity and authentication of inter-networked data are readily disclosed in such writing as Jelatis, George, "Information Security Primer" copyright 2000, or virtually any other written piece on eCommerce or internet security. For these reasons, the above referenced Official Notices are taken to be admitted prior art.

Insofar as Applicant's arguments pertaining to use of algorithms for ranking recipients (Remarks, p.13), aside from a wealth of information for using scorecarding methods to rank sales personnel, Examiner draws Applicant's attention to similar notions in the cited prior art. Specifically, see Andrews [0004] wherein performance of sales and "individual sales success records" are described and associated with "different regions" (Andrews [0094]). See also Johnson [sheet 4] and [23,15-30] which also describes various performance related performance elements with respect to goals, review of territories, etc.

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Insofar as Applicants attempted traversal pertaining to ranking a customer based on product mix, diligence, and so forth, note that Johnson [26,16-18] also describes the "probability of closing a sales opportunity", and in [35,19-24] Johnson describes the capability to "track events ... which predict outcome [and] dynamically update the probability of sale". Also, in [23,28] describes monitoring information relating to "product mix, revenue...", etc.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 2, 6-12 and 16-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 6067525 A) in view of Andrews (US 20020077998 A1), further in view of Bergh (US 20020026356 A1).

Claims 1, 11 and 21:

Although claims 1, 11 and 21 are worded and/or structured slightly differently, they have the same scope and so are addressed together. Johnson describes and/or discloses the following limitations as shown.

- *(a receiving mechanism for) receiving a lead from a potential customer* (Johnson, in at least col. 35, line 31 states: "...which correspond to a sales person receiving a lead" (emphasis added));

- *(a determining mechanism) determining a plurality of recipients* (Johnson, in at least col. 11, line 7 states: "These modules facilitate the connection of lead information that can be provided to the appropriate salesperson." (emphasis added).)

Johnson does not specifically describe and/or disclose a particular group of *recipients*, but Andrews, as shown, does. Andrews, in at least [0104] states: "Salesperson [] column pull down menus are populated with the names of the salespersons in the user's territory and the word Unassigned." (emphasis added) where 'populated...' corresponds to the act of *determining a plurality*... Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the features of forwarding potential lead to appropriate persons, with the grouping methods of Andrews that categorize salespersons according appropriate criteria so that only appropriate sales people are provided lead information.

Johnson and Andrews do not specifically disclose the following limitations, but Bergh, as shown, does.

- *(a link-generating mechanism for) generating a link that is placed in an email* (Bergh, in at least [0060] states: "For example, an email message may be sent directly to customers, while HTML links in the email message reference portions of the content that are placed on web servers." (emphasis added) where the emphasized text corresponds to, *ipso facto* the act of *generating*.); and
- *(a distribution mechanism for) distributing the email to the plurality of recipients* (Bergh, in at least [0077] states: "Offer broker [] may also send offers to particular users of a lead management system, and limit the number and type of offers sent to those users based on the configuration of the lead management system, thereby achieving a tight integration of the offer management system and the lead management system." (emphasis added) where the emphasized text corresponds to *distributing the email to the plurality of recipients*... Note also that 'limit the number...' corresponds to *a first recipient to access*...since the limiting function of the lead

management system described encompasses this first-come-first-serve concept only with greater flexibility.).

Neither Johnson, nor Andrews nor Bergh specifically teach the method steps of *assigning the lead to a first recipient to access the link; a lead-assigning mechanism for assigning the lead to a first recipient to access the link*, but Vaillancourt, in an analogous art does. Vaillancourt, in at least [5,14] teaches how workflow objects, such as leads which are specifically noted therein as shown below, remain in a "bin" "until accepted by another user" using a user interface ([4,20]) wherein the acceptance of a lead reflects their concept of ownership, to wit: "Ownership concept refers to an ability to track, reassign or escalate action items once assigned to or accepted by a user to ensure completion. More particularly, with respect to lead processing, this ownership concept may include automated, categorical assignment of leads to users." (emphasis added) ([4,63]). Also, at [4,55] describes how a user accepts responsibility for work and "take ownership...as defined by business rules or policies." This comports to the notion of *assigning ... to a first recipient* because the "Lead Management GUIs" ([5,34]) list only available (unassigned) leads that are accepted by dragging and dropping into an appropriate bin ([5,45-50]) thereby removing them from the available list.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the web-interface features taught in Vaillancourt with the lead assignment and management methods described in Johnson, Andrews and Bergh as such queuing mechanisms and user interface methods of Vaillancourt provides for a more streamlined and automated lead management system with its attendant efficiencies (see Vaillancourt [1,28-34]), and that the technological capability to combine these inventions existed at the time of Applicant's invention and the resulting benefits of the combination was predictable.

Claims 2, 12 and 22:

Although claims 2, 12 and 22 are worded and/or structured slightly differently, they have the same scope and so are addressed together. Johnson/Andrews/Bergh describe and/or disclose

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the limitations of claims 1, 11 and 21 as shown above. Andrews further describes and/or discloses the following limitation.

- *all subsequent recipients to access the link are notified that the first recipient has been assigned the lead* (Andrews, in at least [0104] states: "Salesperson [] column pull down menus are populated with the names of the salespersons in the user's territory and the word Unassigned. Deal status [] pull down menus are pre-populated with the following: Unassigned, New Lead, Attempt Contact, Qualified Lead, Not Qualified, Proposal Sent, Proposal Accepted, Contract Pending, Closed Sale, Loss, Archived. [...] Last update date [] is used to show when a contact has been 'touched'. This field is updated when a deal status is changed or when an action item for the contact has been completed. This field cannot be edited by the user and is updated automatically by system []." (emphasis added) where the 'updated' information as to the status ('unassigned' or 'proposal accepted', etc.) corresponds to *notif[y]ing that ... has been assigned...*).

Johnson describes and/or discloses a computerized sales force automation system. Andrews describes and/or discloses a web based system and method for managing sales deals. Finally, Bergh describes and/or discloses a web-based offer delivery system and specifically describes and/or discloses its application within the context of a sales force and lead management system. Andrews provides information management techniques to keep users of the system, including members of the sales force informed as to the status of deals. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of Johnson, Andrews and Bergh to develop a method and system to manage the distribution of leads for a sales force and provide the current status of leads as to whether they are assigned or remain unassigned.

Claims 6 and 16:

Although claims 6 and 16 are worded and/or structured slightly differently, they have the same scope and so are addressed together. Johnson/Andrews/Bergh describe and/or disclose the

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limitations of claims 1 and 11, respectively, as shown above. Andrews further describes and/or discloses the following limitation.

- *assigning a lead identification to the lead* (Andrews, in at least claim 59 states: “a code segment that stores the deal information into the centralized database and cross-reference the deal information against an unique identifier” (emphasis added) where the emphasized text corresponds to the limitation);
- *assigning a unique identification for each of the plurality of recipients* (Andrews, in at least [0005] states: “The method includes receiving lead information, [...] cross-referencing the lead information against a unique identifier, and providing the stored lead information in response to a user inquiry.” (emphasis added));

Johnson/Andrews/Bergh do not specifically describe and/or disclose the following limitations, but Examiner takes **Official Notice** that it is old and well-known as well as commonplace in the personnel management, electronic communications, and data storage arts to employ the use of various encryption methods to maintain the security, integrity and/or authenticity of information held within a system or database or other data storage system and further, to verify, for example, as in electronic mail, that a message has been received and otherwise acted upon.

- *generating a secret code* (See Examiner’s **Official Notice** above.);
- *manipulating each unique identification with the secret code* (See Examiner’s **Official Notice** above.);
- *and adding a trigger* (See Examiner’s **Official Notice** above.).

Johnson describes and/or discloses a computerized sales force automation system. Andrews describes and/or discloses a web based system and method for managing sales deals. Finally, Bergh describes and/or discloses a web-based offer delivery system and specifically describes and/or discloses its application within the context of a sales force and lead management system. Moreover, Examiner takes **Official Notice** that it is old and well-known as well as commonplace in the personnel management, electronic communications, and data storage arts to employ the use of various data security methods to identify, verify and confidentially communicate between

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parties such as sales personnel and their respective managers. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to combine the inventions of Johnson/Andrews/Bergh with Examiner's **Official Notice** because use of data security methods used in conjunction with electronic communications and storage means provides a more secure and reliable method of distributing sales leads.

Claims 7 and 17:

Although claims 7 and 17 are worded and/or structured slightly differently, they have the same scope and so are addressed together. Johnson/Andrews/Bergh and Examiner's **Official Notice** describe and/or disclose the limitations of claims 6 and 16, respectively, as shown above. Examiner's further takes **Official Notice** as shown.

- *the secret code comprises alphanumeric characters* (Examiner takes **Official Notice** that it is old and well-known as well as commonplace in the data security arts to encode or encrypt information using *alphanumeric characters*).

Johnson describes and/or discloses a computerized sales force automation system. Andrews describes and/or discloses a web based system and method for managing sales deals. Finally, Bergh describes and/or discloses a web-based offer delivery system and specifically describes and/or discloses its application within the context of a sales force and lead management system. Moreover, Examiner takes **Official Notice** that it is old and well-known as well as commonplace in the personnel management, electronic communications, and data storage arts to employ the use of various data security methods to identify, verify and confidentially communicate between parties such as sales personnel and their respective managers and where such encryption codes employ the use of alphanumeric characters. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to combine the inventions of Johnson/Andrews/Bergh with Examiner's **Official Notice** because use of data security methods used in conjunction with electronic communications and storage means provides a more secure and reliable method of distributing sales leads.

Claims 8 and 18:

Although claims 8 and 18 are worded and/or structured slightly differently, they have the same scope and so are addressed together. Johnson/Andrews/Bergh and Examiner's **Official Notice** describe and/or disclose the limitations of claims 6 and 16, respectively, as shown above. Examiner's further takes **Official Notice** as shown.

- *the secret code is randomly generated* (Examiner takes **Official Notice** that it is old and well-known as well as commonplace in the data security arts to encode or encrypt information using codes or keys that are randomly generated.).

Johnson describes and/or discloses a computerized sales force automation system. Andrews describes and/or discloses a web based system and method for managing sales deals. Finally, Bergh describes and/or discloses a web-based offer delivery system and specifically describes and/or discloses its application within the context of a sales force and lead management system. Moreover, Examiner takes **Official Notice** that it is old and well-known as well as commonplace in the personnel management, electronic communications, and data storage arts to employ the

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use of various data security methods to identify, verify and confidentially communicate between parties such as sales personnel and their respective managers and where such encryption codes employ the use of alphanumeric characters and are randomly generated. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to combine the inventions of Johnson/Andrews/Bergh with Examiner's **Official Notice** because use of data security methods used in conjunction with electronic communications and storage means provides a more secure and reliable method of distributing sales leads.

Claims 9 and 19:

Although claims 9 and 19 are worded and/or structured slightly differently, they have the same scope and so are addressed together. Johnson/Andrews/Bergh and Examiner's **Official Notice** describe and/or disclose the limitations of claims 6 and 16, respectively, as shown above. Examiner's further takes **Official Notice** as shown.

- *the secret code includes at least one number and each unique identification is manipulated by multiplying each unique identification with a number in the secret code (Examiner takes **Official Notice** that it is old and well-known as well as commonplace in the data security arts to establish data integrity, redundancy and security by multiplying an identification code with a secret number.).*

Johnson describes and/or discloses a computerized sales force automation system. Andrews describes and/or discloses a web based system and method for managing sales deals. Finally, Bergh describes and/or discloses a web-based offer delivery system and specifically describes and/or discloses its application within the context of a sales force and lead management system. Moreover, Examiner takes **Official Notice** that it is old and well-known as well as commonplace in the personnel management, electronic communications, and data storage arts to employ the use of various data security methods to identify, verify and confidentially communicate between parties such as sales personnel and their respective managers and where such encryption codes employ the use of alphanumeric characters and are randomly generated and where an identification code is multiplied by a number contained within a secret code as, for example, in

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error checking codes, validation codes, authentication codes, etc. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to combine the inventions of Johnson/Andrews/Bergh with Examiner's **Official Notice** because use of data security methods used in conjunction with electronic communications and storage means provides a more secure and reliable method of distributing sales leads.

Claims 10 and 20:

Although claims 10 and 20 are worded and/or structured slightly differently, they have the same scope and so are addressed together. Johnson/Andrews/Bergh and Examiner's **Official Notice** describe and/or disclose the limitations of claims 6 and 16, respectively, as shown above.

Examiner's further takes **Official Notice** as shown.

- *the method assigns the lead to the first recipient to access the link through the steps of:*
 - *verifying the trigger* (Examiner takes **Official Notice** that it is old and well-known as well as commonplace in the electronic communications, digital watermarking, web-casting and tracking arts to employ methods that indicate a user is receiving or accessing a link.);
 - *reversing the step of manipulating each unique identification with the secret code to obtain the unique identification of the first recipient* (Examiner takes **Official Notice** that it is old and well-known as well as commonplace in the data security arts to provide methods to decrypt or reverse transformations of data to their original components.);
 - *comparing the lead identification, the unique identification of the first recipient, and the secret code with a database* (Examiner takes **Official Notice** that it is old and well-known as well as commonplace in the data security arts to compare communicated information and identification components of messages with specified data stored in a database.);

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- *determining whether any unique identification has been associated with the lead identification* (Examiner takes **Official Notice** that it is old and well-known as well as commonplace in the electronic ticketing arts to employ data processing methods to determine whether an entity, e.g., a ticket or seat or voucher, has already been assigned to some entity.); *and*
- *associating the unique identification of the first recipient with the lead identification if no unique identification has already been associated with the lead identification, thereby assigning the lead to the first recipient* (Examiner takes **Official Notice** that it is old and well-known as well as commonplace in the electronic ticketing arts to employ data processing methods to associate certain types of information with other types under circumstances where no previous association has occurred and thereby *assign* an object to an entity.).

Johnson describes and/or discloses a computerized sales force automation system. Andrews describes and/or discloses a web based system and method for managing sales deals. Finally, Bergh describes and/or discloses a web-based offer delivery system and specifically describes and/or discloses its application within the context of a sales force and lead management system. Moreover, Examiner takes **Official Notice** that it is old and well-known as well as commonplace in the personnel management, electronic communications, and data storage arts to employ the use of various data security methods to ascertain the status of information such as whether a sales lead has been assigned. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to combine the inventions of Johnson/Andrews/Bergh with Examiner's **Official Notice** because use of data security methods used in conjunction with electronic communications and storage means provides a more secure and reliable method of distributing sales leads.

Claims 23:

Johnson/Andrews/Bergh describe and/or disclose the limitations of claim 21 as shown above. Andrews further describes and/or discloses the following limitations as shown.

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- *the link-generating mechanism for generating the link that is placed in the email comprises:*
 - *a system for assigning a lead identification to the lead* (Andrews, in at least [0005] states: "The method includes receiving lead information, entering the lead information into a centralized database, storing the lead information into the centralized database, cross-referencing the lead information against a unique identifier, and providing the stored lead information in response to a user inquiry." (emphasis added) and in [0006] describes the encompassing system, to wit: "Δ Sales Lead Management System (SLMS), [...] captures all sales lead information and provides on-line, up-to-date information upon request. The SLMS tracks deals from inception to completion and provides a status of these deals to users. [...] The SLMS includes a sales lead database for use in automating documentation, monitoring and tracking activities associated with management of sales leads." (emphasis added), and finally in at least [0007] states: "Leads are assigned and reassigned by an immediate manager depending on circumstances." (emphasis added));
 - *a mechanism for assigning a unique identification for each of the plurality of recipients* (See the rejections in the previous two limitations as these comprise the *mechanism for assigning*...See also claim 28 in Andrews.);

Johnson/Andrews/Bergh do not specifically describe and/or disclose the following limitations, but Examiner takes **Official Notice** that it is old and well-known as well as commonplace in the personnel management, electronic communications, and data storage arts to employ the use of various encryption methods to maintain the security, integrity and/or authenticity of information held within a system or database or other data storage system and further, to verify, for example, as in electronic mail, that a message has been received and otherwise acted upon.

- *a generating mechanism for generating a secret code* See Examiner's **Official Notice** above.);

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- *a mechanism for manipulating each unique identification with the secret code* (See Examiner's **Official Notice** above.); *and*
- *a mechanism for adding a trigger* (See Examiner's **Official Notice** above.).

Johnson describes and/or discloses a computerized sales force automation system. Andrews describes and/or discloses a web based system and method for managing sales deals. Finally, Bergh describes and/or discloses a web-based offer delivery system and specifically describes and/or discloses its application within the context of a sales force and lead management system. Moreover, Examiner takes **Official Notice** that it is old and well-known as well as commonplace in the personnel management, electronic communications, and data storage arts to employ the use of various data security methods to identify, verify and confidentially communicate between parties such as sales personnel and their respective managers. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to combine the inventions of Johnson/Andrews/Bergh with Examiner's **Official Notice** because use of data security methods used in conjunction with electronic communications and storage means provides a more secure and reliable method of distributing sales leads.

Claims 24:

Johnson/Andrews/Bergh and Examiner's **Official Notice** describe and/or disclose the limitations of claim 23 as shown above. Examiner's further takes **Official Notice** as shown.

- *the lead-assigning mechanism assigns the lead to the first recipient to access the link through:*
 - *a system for verifying the trigger* (Examiner takes **Official Notice** that it is old and well-known as well as commonplace in the electronic communications, digital watermarking, web-casting and tracking arts to employ systems and methods that indicate a user is receiving or accessing a link.);
 - *a system for reversing the manipulation of each unique identification with the secret code to obtain the unique identification of the first recipient* (Examiner takes **Official Notice** that it is old and well-known as well as commonplace in the

data security arts to provide methods to decrypt or reverse transformations of data to their original components.);

- *a system for comparing the lead identification, the unique identification of the first recipient, and the secret code with a database (Examiner takes **Official Notice** that it is old and well-known as well as commonplace in the data security arts to compare communicated information and identification components of messages with specified data stored in a database.);*
- *a determination system for determining whether any unique identification has been associated with the lead identification (Examiner takes **Official Notice** that it is old and well-known as well as commonplace in the electronic ticketing arts to employ data processing methods to determine whether an entity, e.g., a ticket or seat or voucher, has already been assigned to some entity.); and*
- *an association mechanism for associating the unique identification of the first recipient with the lead identification if no unique identification has already been associated with the lead identification, thereby assigning the lead to the first recipient (Examiner takes **Official Notice** that it is old and well-known as well as commonplace in the electronic ticketing arts to employ data processing methods to associate certain types of information with other types under circumstances where no previous association has occurred and thereby *assign* an object to an entity.).*

Johnson describes and/or discloses a computerized sales force automation system. Andrews describes and/or discloses a web based system and method for managing sales deals. Finally, Bergh describes and/or discloses a web-based offer delivery system and specifically describes and/or discloses its application within the context of a sales force and lead management system. Moreover, Examiner takes **Official Notice** that it is old and well-known as well as commonplace in the personnel management, electronic communications, and data storage arts to employ the use of various data security methods and systems to ascertain the status of information such as

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whether a sales lead has been assigned. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to combine the inventions of Johnson/Andrews/Bergh with Examiner's **Official Notice** because use of data security methods and systems used in conjunction with electronic communications and storage means provides a more secure and reliable method of distributing sales leads.

11. Claims 3-5, and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson/Andrews/Bergh as applied to claims 1, 2, 11, 12, 21 and 22, respectively above, and further in view of Shaio (US 5299260).

Claims 3 and 13:

Although claims 3 and 13 are worded and/or structured slightly differently, they have the same scope and so are addressed together. Johnson/Andrews/Bergh describe and/or disclose the limitations of claims 1, 11 and 21 as shown above. Johnson/Andrews/Bergh do not specifically describe and/or disclose the following limitations, but Shaio, as shown, does.

- *assigning a rating to each recipient* (Shaio, in at least col. 10, line 20 states: "A plurality of quantitative values relating to different criteria are maintained for each agent." (emphasis added) where 'quantitative values' corresponds to *a rating* and 'are maintained for each...' corresponds to *assigning ... to each...* and 'agent' corresponds to *recipient*.); and
- *using the assigned ratings to determine a plurality of recipients* (Shaio, in at least the abstract states: "Other features of the system are directed to selecting agents to handle incoming calls based on a list of quantitative agent performance values that are continuously updated by a monitoring system." (emphasis added) where 'selecting agents' corresponds to *determine a plurality...* and 'based on ...' corresponds to *using the assigned rating* where 'performance values' corresponds to *ratings*.).

Johnson describes and/or discloses a computerized sales force automation system. Andrews describes and/or discloses a web based system and method for managing sales deals. Finally,

Bergh describes and/or discloses a web-based offer delivery system and specifically describes and/or discloses its application **within the context of a sales force and lead management system**. Shaio utilizes a method for assigning a performance rating to a salesperson. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to combine the inventions of Johnson/Andrews/Bergh with Shaio because it is old and well-known as well as commonplace in the business management and sales arts to employ the use of selection criteria and rating systems so that the most appropriate salespersons are utilized in optimal ways and thereby enhancing the profit potential of the enterprise.

Claims 4 and 14:

Although claims 4 and 14 are worded and/or structured slightly differently, they have the same scope and so are addressed together. Johnson/Andrews/Bergh/Shao describe and/or disclose the limitations of claims 3 and 13, respectively, as shown above. Shaio further describes and/or discloses the following limitations as shown.

- *the step of assigning a rating to each recipient uses an algorithm to determine and assign the rating for each recipient* (Shaio, in at least col. 16, line 32 states: "means for monitoring respective performances of said individual agents based upon said data describing success and updating said performance values [...]" (emphasis added) where the 'means for...' corresponds to *an algorithm* and 'updating' corresponds to the step of assigning.).

Johnson describes and/or discloses a computerized sales force automation system. Andrews describes and/or discloses a web based system and method for managing sales deals. Finally, Bergh describes and/or discloses a web-based offer delivery system and specifically describes and/or discloses its application **within the context of a sales force and lead management system**. Shaio utilizes a method for assigning a performance rating to a salesperson. Moreover, Examiner takes **Official Notice** that it is old and well-known as well as commonplace in the business management arts to employ the use of evaluation system and scorecard and that such use algorithms for both their computation and method of assignment of employees to tasks.

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Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to combine the inventions of Johnson/Andrews/Bergh with Shaio because it is old and well-known as well as commonplace in the business management and sales arts to employ the use of selection criteria and rating systems and their use of related algorithms so that the most appropriate salespersons are utilized in optimal ways thereby enhancing the profit potential of the enterprise.

Claims 5 and 15:

Although claims 5 and 15 are worded and/or structured slightly differently, they have the same scope and so are addressed together. Johnson/Andrews/Bergh/Shao describe and/or disclose the limitations of claims 4 and 14, respectively, as shown above. Johnson further describes and/or discloses the following limitations as shown.

- *wherein the algorithm determines and assigns each rating based upon at least one among a location of the recipient in relation to the potential customer* (Johnson, [11,3] states: "The lead generation component [] directed primarily to pre-sales activities and includes a number of modules that may be installed at various sites for the purpose of providing sales information with or without a salesperson present. These modules facilitate the connection of lead information that can be provided to the appropriate salesperson. Remote sites include trade shows, kiosks, Internet Web sites, or electronic advertising. The lead generation component [] is highly integrated with the time with customer component [] and the self-management component []. All three of these components share a common functionality and are utilized to disseminate the higher quality leads from the lead qualification process." (emphasis added) where the 'remote sites' corresponds to the site of a *potential customer*. Johnson, in at least [10,21] states: "It is noted that system [] is particularly adaptable for use by sales personnel which must travel over wide geographic areas." (emphasis added) where 'travel over' corresponds to *location ... in relation to...* Johnson at

[21,40] further describes “win-loss ratios, actual versus goals, commission...” hence corresponds to *the algorithm determines and assigns each rating*);

- *a product mix sold by the recipient* (Johnson, in at least col. 23, line 24 states: “It further provides the sales manager with the ability to coach and monitor activities of sales people and enhances the ability to forecast sales and related information such as product requirements, product mix, revenue and profit, commissions, pipeline status, etc.” (emphasis added) where these factors such as ‘product mix’ are based within an historical sales data context and where the term ‘forecast’ is a rating component that is determined using an ‘algorithm’.);
- *a number of leads the recipient has received previously* (Johnson does not specifically describe and/or disclose this limitation, but Andrews does in at least [0110] and describes use of the “Deal History” which encompasses this limitation);
- *a percentage of previous leads that resulted in a sale* (see above with respect to “win-loss ratio” at [21,40]);

Johnson/Andrews/Bergh/Shao do not specifically describe and/or disclose the following limitations, but Examiner takes **Official Notice** as shown below.

- *a diligence of the recipient*;
- *and a percentage of previous sales that included additional items*.

Johnson describes and/or discloses a computerized sales force automation system. Andrews describes and/or discloses a web based system and method for managing sales deals. Finally, Bergh describes and/or discloses a web-based offer delivery system and specifically describes and/or discloses its application within the context of a sales force and lead management system. Shao utilizes a method for assigning a performance rating to a salesperson. Moreover, Examiner takes **Official Notice** that it is old and well-known as well as commonplace in the business management and sales arts to employ the use of evaluation systems and scorecards and that such algorithms take into account factors pertaining to *diligence* and the relative success of making a sale given a sales lead and combinations of these factors. Therefore, it would have

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been obvious to one with ordinary skill in the art at the time of the invention to combine the inventions of Johnson/Andrews/Bergh with Shaio because it is old and well-known as well as commonplace in the business management and sales arts to employ the use the aforementioned criteria so that the most appropriate salespersons are utilized in optimal ways thereby enhancing the profit potential of the enterprise.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon that is considered pertinent to applicant's disclosure are:

- Vaillancourt, et al. (US 7340410 B1) describes analogous art in the area of sales force automation and reads on many of the limitations of the instant application.
- Jelatis, George, "Information Security Primer" 2000 teaches art in the area of information security and public key infrastructures and the use of other related encryption and data security methodologies.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Mark A. Fleischer** whose telephone number is **571.270.3925**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **Bradley Bayat** whose telephone number is **571.272.6704** may be contacted.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see

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<http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov> >. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to **571-273-8300**.

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window:**

Randolph Building

401 Dulany Street

Alexandria, VA 22314.

Mark A. Fleischer
/Mark A Fleischer/
Examiner, Art Unit 3624 24 November 2008

/Bradley B Bayat/
Supervisory Patent Examiner, Art Unit 3624